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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

CYNTHIA BROOKS, an individual,	)	<b>Case No. C12-4935 EMC (JSC)</b>
	)	
Plaintiff,	)	
	)	
v.	)	<b>STIPULATION FOR FILING FIRST</b>
	)	<b>AMENDED COMPLAINT; ORDER</b>
	)	
U.S. BANK, N.A. and DOES 1 through 10	)	
inclusive	)	Judge: Edward M. Chen
	)	
Defendants.	)	
	)	
	)	
	)	

Plaintiff CYNTHIA BROOKS and Defendant U.S. BANK, N.A. hereby stipulate as follows:

WHEREAS Plaintiff CYNTHIA BROOKS seeks an order for leave to file her proposed First Amended Complaint for Damages, Penalties and Injunctive Relief (First Amended Complaint) attached as Exhibit A hereto;

WHEREAS, Plaintiff Brooks sent a letter to the Labor & Workforce Development Agency (“LWDA”) on July 5, 2012 alleging Defendant’s violation of California Labor Code Section 1198 and Industrial Welfare Commission Wage Order 4-2001;

1 WHEREAS, Plaintiff Brooks filed her original Complaint on August 21, 2012;

2 WHEREAS, Plaintiff Brooks and proposed additional Plaintiff, Jacob Swoyer, sent another  
3 letter to the LWDA on June 20, 2013, alleging Defendant's violation of California Labor Code  
4 Section 1198 and Industrial Welfare Commission Wage Order 4-2001 section 14(A) and (B),  
5 California Labor Code section 226.7(a), and Industrial Welfare Commission Wage Order 4-2001  
6 section 12(A);

7 WHEREAS, Plaintiff Brooks and proposed additional Plaintiff Swoyer submitted to  
8 Defendant a proposed First Amended Complaint on July 1, 2013 and requested that Defendant  
9 stipulate to the filing of the proposed First Amended Complaint;

10 WHEREAS, Defendant entering into this stipulation is not to be deemed a concession that  
11 the proposed First Amended Complaint is meritorious; indeed, Defendant does not waive any  
12 argument concerning the sufficiency of the pleading and/or any defenses to the claims or parties  
13 therein, including, but not limited to, the applicable statute of limitations on the claims in the  
14 proposed First Amended Complaint, failure of the newly-added claims to relate back to the date of  
15 filing of the original Complaint, and any circumstances rendering proposed additional Plaintiff  
16 Swoyer an improper plaintiff.

17 Accordingly, IT IS HEREBY STIPULATED by and between the parties that Plaintiff shall  
18 have leave to file the proposed First Amended Complaint; and that Defendant shall file a responsive  
19 pleading within 30 days after the filing of the First Amended Complaint.

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1  
2 Dated: July 30, 2013

Dated: July 30, 2013

3 By: /s/  
Harvey Sohnen

By: /s/  
Joan B. Tucker Fife

4  
5 Harvey Sohnen (SBN 62850)  
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13 Attorneys for Plaintiff

Attorneys for Defendant U.S. Bank, N.A

**ORDER**

PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: 7/31, 2013

